

Indiana Historic Preservation Special Review Board Minutes
August 17, 2012
Indiana Government Conference Center
Conference Room A
302 West Washington Street
Indianapolis, Indiana 46204

Board members present: Robert E. Carter, Jr., Chairman; Richard Butler, Vice Chair; Mitch Zoll; Daniel Kloc, AIA; Kevin Orme; William Selm; Jim Corridan and Joshua Palmer, AIA. Division director James A. Glass, nonvoting advisor.

Staff members present: Paul Diebold, Holly Tate, Amy Johnson, Rachel Sharkey, Dr. Rick Jones, Chad Slider, John Carr, Cathy Draeger-Williams and Susan Judy, of DHPA; Eric Wyndham, DNR Legal, legal counsel.

Visitors/Speakers present included Greg Jacoby, Greg Sekula, Marsh Davis, Ben Clark, Dan Bortner, Ginger Murphy, Mike Linderman, Jim McGoff, Link Ludington, and Patrick Carpenter,

Call to Order

Chairman Robert E. Carter Jr. convened the meeting at 1:30 P. M. (EDT) and conveyed regret for the lack of a quorum on July 25 to those present.

Approval of the April 25, 2012 meeting minutes

Chairman Carter asked if there were questions about the April 25, 2012 minutes. A motion was made for approval by Jim Corridan and was seconded by William Selm. The motion was unanimously approved.

Division Director's Report:

Dr. James Glass, Director of DHPA, did not repeat his report of July 25, but made copies available. He did add the Archaeology Month Posters and T-shirts were available at this meeting and that the Board Members would each receive a shirt and poster if they would care for one.

I. State Certificates of Approval

1. **Application by the Indiana Department of Transportation for a certificate of approval to demolish and replace the US 24 Bridge over the Tippecanoe River (Bridge No. 024-91-03731B), 0.43 mile east of the intersection with US 421, within the City of Monticello, White County.**

John Carr, DHPA, summarized the written staff comment.

Jim Corridan asked whether the alignment of the existing bridge was not correct. Patrick Carpenter of INDOT responded that the bridge has many safety issues, including its alignment. A motion to approve the application, including the staff recommendations, with the provision that recordation materials also go to the state archives, was made by Jim Corridan.

The motion was seconded by Dan Kloc. The motion passed unanimously.

2. Application by the Indiana State Museum and Historic Sites Corporation for a certificate of approval to reconstruct one or more buildings at the Angel Mounds State Historic Site, Vanderburgh County.

Amy Johnson, DHPA Archaeologist, summarized the written staff comment. Link Ludington presented the application on behalf of the State Museum and Historic Sites, and Mike Linderman gave a slide presentation showing old photos of the original Civilian Conservation Corps (CCC) buildings and sites. He reported that several of the original buildings were burned in 1975, when they were no longer used. The proposed new buildings will be replicas of previously existing CCC buildings used by founding Angel Mounds archaeologist Glenn Black. It is anticipated that the Phase I Laboratory Building will be completed by May, 2013, in time for the 2013 field school. The 1948 dining hall structure may be eventually reconstructed.

A motion to approval the application and include staff recommendations was made by Richard Butler and was seconded by Mitch Zoll. The motion passed unanimously.

3. Application by the Indiana Department of Natural Resources, State Parks and Reservoirs for a certificate of approval to deconstruct and rebuild a restroom adjacent to the Pioneer Village and construct an ADA accessible sidewalk at Spring Mill State Park, Lawrence County.

Cathy Draeger-Williams, DHPA Archaeologist summarized the staff comment. Ben Clark, Chief of Preservation for the Division of State Parks and Reservoirs, gave a slide presentation showing the current position of the restroom, three alternative locations, and how the existing structure would be deconstructed and rebuilt. Illustrations showing how the reconstructed building would appear in each alternative location were shown, and the preferred location was indicated and explained. Clark stated that the 1930s logs on the exterior can mostly be re-used in the new structure; the windows will be replicated. He showed the original floor plans and elevation drawings prepared by the CCC. William Selm commented on the moisture problem and how gutters and a slightly deeper overhang could eliminate water damage to the lower logs.

Clark responded that the original building never had a gutter. They will raise the foundation somewhat to address the moisture. Director Carter asked if there were additional questions from the Board. Being none, Jim Corridan made a motion for State Parks to proceed with the recommended option, #1, include the staff caveats, and work with DHPA staff members on the details as the project moves forward.

The motion was seconded by Kevin Orme. The motion passed unanimously.

4. **Application by the Indiana Finance Authority for a certificate of approval to demolish the former Indiana State Police Post at 721 E. Tipton Street, Seymour, Jackson County.**

Chad Slider, DHPA staff, summarized the staff comments.

Jim McGoff, General Counsel and COO of the Indiana Finance Authority (IFA), stated that he agreed with the staff analysis of the application. Jim Corridan asked about another post that is in disrepair and vacant. Kevin Orme commented that the state Department of Administration still owns the former post at Connersville, which is closed and vacant. William Selm noted that two of the post buildings are still in use. He asked whether issues of adaptive use at the Seymour post would also preclude adaptive uses at the other posts. Orme stated that it was very costly to remediate these properties. The Department of Corrections doesn't intend to take down the DOC post in Putmanville. James Glass asked Jim McGoff about how the communications tower on the property affected offering the property for sale. McGoff stated that the communications tower sits on top of the building. It would take between \$1 million to \$1.5 million to move the tower. It is still used by the State Police. The tower needs to be used at the current location or moved. The IFA was evaluating ways to move the tower to make the parcel available for other uses.

Greg Sekula, Indiana Landmarks spoke in opposition to demolition. He stated that it was a significant building with a Notable rating in the county interim survey report. He said that the US 50 highway corridor in Seymour tended to convey an "Anywhere USA" appearance. The Seymour Police Post formed an "oasis of green and character" in the midst of the corridor. He stated that there is a great deal of sentiment to keep the post in the community. Landmarks staff members took a tour recently, and it seemed in good condition. The Corrections Department of Jackson County had approached the State about re-using the building and the garage and expanding the building. The county department proposed a \$1.00 a year lease for the building for 10 years, but the offer was not accepted by the State. The State wanted to stipulate that the State could later reclaim the property. This stipulation caused concern to the Department of Corrections of Jackson County. Sekula said that if there was a desire to sell the property, the Department of Corrections, Jackson County could be the user. Indiana Landmarks also had concerns over the marketing of the property. He also said that there seemed to be some misconceptions over how marketing occurred. The property had a sign announcing there would be an auction, but Landmarks was unable to tell when the auction occurred. Sekula stated that several local people inquired about the sale, but had not gotten a response from the State. There was no price disclosed on the sign. Sekula said that it was troublesome that no one locally was aware of the demolition proposal until Indiana Landmarks told them. He believed that this was a flaw in the process. There should be transparency. Indiana Landmarks was willing to provide assistance to state in marketing property, if the certificate of approval was denied. He stated that Cummins might be willing to use the property--they are planning an expansion. If the tower remains, the Jackson County Department of Corrections would retain the tower. A significant amount would have to be spent to move the tower; such a

move seemed unnecessary. Indiana Landmarks wanted to avoid a “big-box –strip mall” on the site. US 50 are a scenic by-way.

Director Carter inquired why other 1930’s State Police Posts on the list of WPA state police posts in the application were not given higher ratings in the various county interim survey reports. Greg Sekula answered that the Jasper post was one that is significant. Paul Diebold, DHPA staff, addressed the Chair’s question about ratings. Some of the posts were not yet 50 years old when the surveys were done and thus were not included or rated.

Jim Corridan asked Jim McGoff if the IFA was interested in working with the local community. McGoff answered that his understanding was that the adjacent parcel was already being negotiated for transfer to Cummings—IFA was brought in to assist in including the parcel with the post as part of the proposed development site. The economic development community supported this effort.

William Selm asked about the auction mentioned by Sekula. McGoff replied that the Indiana Department of Administration (DOA) managed the surplus. They stopped marketing the property after they found out it was historic and also the probable costs of remediation and environmental clean-up that would be needed. Corridan asks if there was a time pressure. McGoff answered that because the adjacent parcel was being dealt with now, it made sense to deal with the police post property as part of one project.

Richard Butler made a motion to grant a certificate of approval for the application as submitted and with the staff recommendation for documentation. Mitch Zoll seconded the motion. Voting in favor: Carter, Butler, Kloc, Orme, and Zoll. Voting against: Corridan, Palmer, and Selm. Motion carried.

5. Application by the Indiana State Fair Commission for a certificate of approval amending the previously approved design of the Pepsi Coliseum renovation at the Indiana State Fair Grounds, Indianapolis, Marion County.

Chad Slider, DHPA, presented the staff comment.

Greg Jacoby of Browning, Day, Mullins and Dierdorf Architects gave a PowerPoint presentation showing the portions of the Pepsi Coliseum interior involved in the revised application. William Selm inquired whether the reconstructed ticket booths would be hollow. Jacoby replied that they would be. The existing ticket booths are non-functional at this time.

A motion to approve the application as submitted with the staff recommendations was made by Jim Corridan and was seconded by Dan Kloc. The motion passed unanimously.

II. Public Hearing--- Indiana’s Cultural Resources Management Plan 2012-2017

Holly Tate, DHPA gave the staff report.

For the last 18 months, the DHPA Staff has been in the process of revising Indiana's statewide preservation plan, as is required by the National Park Service to be done on a periodic basis.

We kicked off a public input survey at the beginning of 2011 Historic Preservation Month (May) and ran the survey through and just beyond the end of 2011 Archaeology Month (September). During this five-and-a-half-month period, we routinely monitored survey numbers in order to promote participation among key constituent groups as well as to exceed minimum participation targets for each county. We are pleased to report that all 92 counties are represented in the survey results, with 87 counties each having more than 10 survey participants; in fact, 5 counties each had more than 100 survey participants. In the end, a total of 3,813 people took the DHPA's survey – a figure that is believed to be the new national record for the number of responses to SHPO public input surveys for the state plan revision process. According to National Park Service staff, the previous record had been set very recently by the Pennsylvania State Historic Preservation Office with more than 2,200 responses to their public input survey.

The initial findings from the aggregate survey data were presented to a Statewide Plan Advisory Committee comprised of 32 members from around the state and representing a number of different professions and affiliations either directly or indirectly related to historic preservation and archaeology. Two members of the State Historic Preservation Review Board, Dan Kloc and Richard Butler, also served on this committee. Input from this body provided additional guidance to the DHPA in the plan revision process.

Next, a six-member committee of DHPA staff representing all parts of the office convened to dig deeply into the survey data and undertake the development of new goals, objectives, and strategies. Members of this group were Miriam Burkett, Frank Hurdis, Amy Johnson, Steve Kennedy, Holly Tate, and Malia Vanaman. This group reviewed the current version of Indiana's Cultural Resources Management Plan, discussed the DHPA's own needs for the revised state plan document, considered the relative weight and ranking given to various issues and ideas by the public, and carefully analyzed more than 2,000 individual narrative responses submitted as part of the survey.

After considering this vast amount of information and input, the committee identified four main ideas that emerged from the survey data; these ideas were forged into four new broad goal statements:

1. Increase public awareness, public understanding, and public support for preservation and archaeology;
2. Broaden the preservation and archaeology communities;
3. Advocate for preservation opportunities and options for all community, cultural, and heritage resources; and,
4. Advance preservation as economic development.

Each of these goals was then supported by two or three objectives to organize ideas for actions that will help meet the goals. In turn, each objective was fleshed out by three to eight more narrowly focused strategy statements. Taken together, this "Plan" comprised of 66 goal, objective, and strategy statements is the heart of what will become *Indiana's Cultural*

Resources Management Plan document for 2013 to 2019. The other parts of the document – which are currently being written – are simply federally required narratives about the planning process, the plan timeframe, the array of cultural resources found in Indiana, and other material that is needed to help orient readers of the Cultural Resources Management Plan.

We believe that the new goal, objective, and strategy statements do the following:

1. Meet the DHPA's own internal needs for the state plan document, including facilitating required annual reporting to the National Park Service;
2. Convey to the public the idea that the plan is for everyone, not just the DHPA;
3. Strike a delicate and intentional balance in phrasing between “too broad” and “too narrow”;
4. Respond to the considerable amount of public input received through the survey;
5. Respond to the preservation issues facing Indiana now and in the near future;
6. Incorporate suggestions from the Statewide Plan Advisory Committee; and,
7. Provide opportunity for everyone in the state to participate (not just the DHPA and a few key preservation and archaeology partners).

The draft Plan statements were sent to the members of the Statewide Plan Advisory Committee on July 3, with a request that they review the document and provide any comments or feedback in writing by July 20. Seven members of the committee responded, and five of these seven responses contained very positive endorsements of the draft Plan.

Overall, the majority of the comments or suggestions received were small points of clarification that the DHPA has already planned to address within the narrative sections of the Plan document, so as not to make the Plan section too cumbersome. Therefore, we are confident that most or all of those ideas will be accommodated within the parts of the document that are currently being written.

Only one person provided somewhat more in-depth comments, including questions about the approach taken in the Plan. From the comments, it seems that this committee member felt the Plan should distinguish between what the DHPA is charged with doing under state and federal law vs. what the public should do under this Plan. From the outset, the DHPA has said that this Plan is being written for everyone and not just as a work plan for the DHPA, and not just as a call to action for the preservation and archaeology communities. In fact, staff believes that a weakness of the two previous Plans are that we perhaps did not go far enough in making the public completely understand that this document is for everyone, not just the DHPA and the preservation community. The Plan strategies that cover routine duties of the DHPA were carefully worded to be broad enough to allow for efforts by the public as well. Therefore, we disagree with this particular viewpoint that the DHPA's role somehow should be separated out within the Plan statements.

In summary, this set of statements comprising Indiana's new Cultural Resources Management Plan represents efforts – either large or small – by every member of the office, and at least 500 hours of work by key DHPA staff members. We thank you for your consideration of these revised goals for *Indiana's Cultural Resources Management Plan* for 2013-2019. We do require a vote to approve the Plan before we can submit the completed document to the National Park Service for review and approval.

A motion to approve the plan as presented was made by Richard Butler and seconded by Jim Corridan. The motion was approved unanimously.

III. Update ---Dual Review Temporary Rule (LSA#12-453)

Dr. Glass, DHPA Director, gave the comments.

Introductory

- Dept. Deputy Director Ron McAhrn provided an explanation of the proposed dual review rule at the Board's April meeting.
- Subsequently, he and I met with representatives of Indiana Landmarks, Dr. James Cooper, Board member Bill Selm, and several other interested parties to discuss the rule, and the discussion resulted in several changes to allow for more Review Board involvement in requesting review of certificate of applications in cases of letters of clearance.
- Based on those changes, the Natural Resources Commission gave preliminary adoption to a permanent rule on July 17, and Director Carter issued a temporary rule putting the Dual Review process into effect for one year.
- The temporary rule may be renewed one time, for an additional year. There will be opportunities for additional public comments on the permanent rule (which has the same provisions as the temporary rule) as the process for that rule's adoption moves forward over the next year.

Process Prior to Temporary Rule

- If a state agency used both federal and state funds for a construction project, it needed to go through two regulatory processes—one federal, the other state.
- The federal process—Section 106 review under the National Historic Preservation Act-- is based on soliciting public comments and those of interested parties as a central part of an agency considering the effect of its projects on historic properties (including important archaeological sites).
- The state process—certificates of approval issued by the Indiana Historic Preservation Review Board—entails notice to interested parties and public after an application for a certificate has been filed.
- In most cases of dual review—federal and state funds being used—the state agency (INDOT in most cases; Indiana National Guard in a lesser number of situation) identified consulting parties at the outset of Section 106 review (federal process) and offered an opportunity for consulting parties (including the State Historic Preservation Office [SHPO]) to participate in a consultation about whether historic properties are present, the nature of the project's effect on any such properties, and how any adverse effects may be avoided, lessened, or mitigated. If there was an adverse effect that is unavoidable, the agency, SHPO (our division acts as the State Preservation Office in Section 106), and consulting parties consult on ways to mitigate the effect and a binding Memorandum of Agreement is

drawn up by the lead agency committing the agency to carry out the mitigations. The memorandum was signed by the federal and lead state agency, the SHPO, local recipient of federal funds, and other consulting parties.

- After the memorandum was signed, the state agency filed an application with the Division of Historic Preservation and Archaeology (also the SHPO) for a certificate of approval under Section 18 of IC 14-21-1. Section 18 provides that any historic structure or site owned by the state or listed on the state or National Register may not be altered, demolished, or removed by a project funded in whole or in part by the state unless the review board has granted a certificate of approval.
- Thus, those projects representing significant alterations or adverse impacts, would go through a sometimes lengthy Section 106 review process and then also go through the separate certificate of approval process.

New Process under Temporary Rule

- Under the new temporary rule, the state review process can be simplified in those situations where both federal and state funds are being used by a state agency for a project.
- A State agency may (does not have to) submit a proposal for dual review under both Section 106 review and IC 14-21-1-18 to the division
- The division will acknowledge receipt of the “dual review” submission, notify interested persons and members of the Review Board of the dual review, and post the notification on its website.
- If the submission results through Section 106 review in a finding of no historic properties affected or no adverse effect on historic properties and the SHPO (DHPA) concurs in the finding, the division director will issue a letter of clearance for the project under the proposed rule.
- If the submission results in a finding of adverse effect and a memorandum of agreement is executed under Section 106, the division director will consider the terms of the memorandum. If he concludes that the objectives and purposes of Section 18 of our state statute have been satisfied, the director will issue a letter of clearance exempting the person from obtaining a certificate of approval from the Historic Preservation Review Board.
- If INDOT makes a submission for a project involving a bridge covered by the 2006 Programmatic Agreement regarding management and preservation of Indiana’s historic bridges, and a finding of adverse effect results under Section 106, the division director will consider the mitigations prescribed. If he concludes that the objectives and purposes of Section 18 of our statute had been achieved, the director will issue a letter of clearance.
- If a letter of clearance is issued under any of the sub-sections of the proposed rule, the division director will provide notice of the decision to interested persons and to the

members of the Historic Preservation Review Board. Members of the Review Board will have the option of requesting that an application for a certificate of approval be placed on the agenda of the Review Board for consideration at its next meeting. If such a request is made, the division will place the application on the agenda.

- If a dual review is initiated that results in a finding of adverse effect under Section 106, but no memorandum of agreement providing mitigations is executed, the agency initiating the dual review will be required to obtain a certificate of approval from the Review Board.

In Conclusion

- Under the temporary rule, there will be a full vetting of each project under Section 106 review and several opportunities for consultation with interested parties and the general public on identifying historic properties, coming to conclusions on the nature of effects on historic properties and discussing ways to avoid, lessen, or mitigate any adverse effect, leading to a memorandum of agreement
- Interested parties will be informed of each project submission involving dual reviews at the outset of the project.
- In addition, members of the Historic Preservation Review Board will be informed, and notice of the dual review will be posted on the division website.
- If letters of clearance are issued under the proposed rules, interested parties and members of the Review Board will be notified and members of the Review Board will be afforded an opportunity to request that the full Historic Preservation Review Board consider an application for a certificate of approval at its next meeting.

There were no questions.

IV. Date for the next regular meeting

Next regular meeting date: **October 24, 2012**, IGCS, **1:30 p.m. (EDT)**

Dr. Glass asked for a show of hands by the Review Board Members showing who will be able to attend the next meeting.

Eight members can attend.

All regular meetings schedule for IGCS, Conference Room A, at 1:30 pm (EDT)

Deadline for receipt of Certificates of Approval applications: September 14, 2012, 4:45 p.m.

Chairman Carter asked for a motion to adjourn.

The motion was made by Richard Butler and seconded by Dan Kloc.

The motion was approved unanimously.

The meeting was adjourned approximately 3:01 p.m. (EDT)

IN. Historic Review Board Special Meeting Minutes 8/17/2012